

**CITY OF ALAMEDA
COMMUNITY DEVELOPMENT DEPARTMENT**

ADMINISTRATIVE USE PERMIT

ITEM NO: 3-A

APPLICATION NO: PLN11-0345 – Ken Carvalho – 1630 Park Street

**PROJECT
DESCRIPTION:**

The applicant requests a Use Permit to allow the creation of a temporary ice rink at the subject property. Included in this entitlement are the following components:

- Six foot- high temporary fencing
- Temporary banners
- Parking for 35 vehicles
- Accessory Food Services
- Amplified Music and/or Video
- Sale of holiday trees and related items
- Temporary Lighting
- Hours of Operation 12 noon to 10:00 pm
- Dates of Operation are December 16, 2011
Through January 29, 2012

GENERAL PLAN: Community Commercial

ZONING: C-M Commercial Manufacturing

**ENVIRONMENTAL
DETERMINATION:**

This project is a Class 1 Categorical Exemption and no additional environmental review is necessary pursuant to CEQA Guidelines Section 15301 - Existing Facilities.

PROJECT PLANNER: Margaret Kavanaugh-Lynch, Planning Service Manager

PUBLIC NOTICE: A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property. During the public notice period, the adjacent property owners expressed their support for this project.

ATTACHMENTS:

1. Site Plan
2. Public Notification Map
3. Public Comments

ACRONYMS: AMC – Alameda Municipal Code
C-M Commercial Manufacturing

RECOMMENDATION:

Find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review and approve the project with conditions based on the following findings:

FINDINGS:

The granting of the use permit will favorably relate to other property, uses and intensities in the vicinity and to the General Plan of the City and will not cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity.

This temporary use as conditioned, will favorably relate to other property, uses and intensities in the vicinity and to the General Plan of the City and will not cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity because: It will not exceed 42 days in duration and will operate within the daily hours of not greater than noon to 10:00 pm. The site plan, as amended in the conditions of approval, will allow for safe vehicular and pedestrian ingress and egress and will conform to all applicable regulations of the City of Alameda as well as the County and State.

CONDITIONS:

1. This Use Permit approval is valid for two years and will expire on November 22, 2013 unless construction has commenced under valid permits. Please note: The approval may be extended to November 22, 2015 upon submittal of an extension request and the associated fee.
2. The plans submitted for Use Permit shall be in substantial compliance with plans, received on October 31, 2011 and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this letter.
3. Building permit plans shall incorporate this approval notice, including the conditions of approval.
4. Traffic will be routed into the site through the Park Street entrance (right only) and shall exit (right only) out onto Foley Street.
5. The applicant shall provide a list of any hazardous materials to the Community Development Department prior to the issuance of a building/electrical permit. This list shall include the quantity and location of these hazard materials to be stored on site.
6. Any storm water, including melted ice water, shall be directed off site to the satisfaction of the Director of Public Works.
7. Any new temporary exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare. The garland of holiday lights shall also be of low intensity, but not required to be directed downward.
8. The final plans, submitted for building permit approval, shall conform to the Alameda Municipal Code.
9. Any substantial changes to the site plan shall be submitted to the Community Development Department for review and approval prior to construction.

10. Operation of the ice rink and its ancillary uses listed in the project description will abide by the hours of operation of 12 noon to 10:00 pm. Low security lighting will be allowed as needed for the duration of the use on a twenty-four hour basis.
11. The duration of this use shall be limited to the dates of December x, 2011 to January x, 2012.
12. All temporary fencing, lighting, trash receptacles and other equipment associated with this use shall be removed from the site within ten calendar days of the cessation of the use.
13. Trash and recycling receptacles shall be located on the subject property for the duration of the Use Permit. The maintenance of these receptacles are the sole responsibility of the applicant. The subject property shall be kept free of all litter at all times.
14. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

DECISION:

Environmental Determination

The Zoning Administrator has determined that this project is a Class 1 Categorical Exemption and no additional environmental review is necessary pursuant to CEQA Guidelines Section 15301 - Existing Facilities.

Use Permit Review

The Zoning Administrator approves the Use Permit with conditions.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by: _____ Date: _____

Andrew Thomas
Zoning Administrator